IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 378 of 2005

Between:

1 M/s. Maruthi Constructions, A Partnership Firm, rep by Managing Partner, Mr. Udda Raju Venkata Rama Raju
R/o 50-105-3/2, TPT Colony, Seethammadhara, Visakhapatnam.
2 Mr. Udda Raju Venkata Raju S/o Rama Krishna,
R/o 50-105-3/2, TPT Colony, Seethammadhara, Visakhapatnam.
3 Smt. Udda Raju Rama Sita W/o Mr. Udda Raju Venkata Raju,
R/o 50-105-3/2, TPT Colony, Seethammadhara, Visakhapatnam.
4 Udda Rama Krishna Raju S/o Sri Rama Raju,
R/o 50-105-3/2, TPT Colony, Seethammadhara, Visakhapatnam.

..... PETITIONERS

AND

1 State Bank of Hyderabad, rep by Branch Manager,
Dwarakanagar, Visakhapatnam
2 The Recovery Officer, Debts Recovery Tribunal
Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned notice/recovery certificate in RP No. 136/2004 in O.A. No. 543 of 2002 dated 22-12-2004 demanding the payment of a huge sum of Rs.53,79,158-95 Ps within 15 days from the date of receipt of the notice is arbitrary, capricious, unjust and voilative of principles of natural justice and Article 21 of Constitution of India and consequently to set-aside demand notice/recovery certificate or to pass any other order or orders.

Counsel for the Petitioners : SMT.N.(P).ANJANA DEVI SATYANARAYANA

Counsel for the Respondent No.1 : MRS.P.BALA RANI

Counsel for the respondent No.2: None appeared.

The Court made the following :

ORAL ORDER:

(per Hon'ble The Chief Justice)

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Recovery proceedings are sought to be got stayed in this writ petition filed by the petitioners who are parties before the Debts Recovery Tribunal. Filing of such writ petition is not the appropriate remedy. Petitioners must take out appropriate proceedings under the provisions of Recovery of Debts Due to Banks and Financial Institutions Act, 1993. Accordingly writ petition is dismissed. No costs.

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DEVINDER GUPTA. C.J.,

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M. NARAYANA REDDY. J.,

Dated: 24.01.2005.

VRK.

To

1 The Branch Manager, State Bank of Hyderabad,
Dwarakanagar, Visakhapatnam
2 The Recovery Officer, Debts Recovery Tribunal
Visakhapatnam.

3. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE M. NARAYANA REDDY.

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W.P.NO. 378 OF 2005.

(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 24.01.2005.